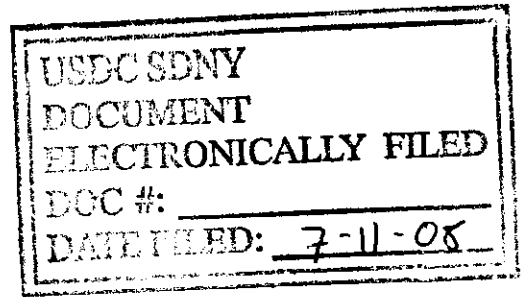


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
:  
DUNKIN DONUTS FRANCHISED  
RESTAURANTS, LLC :

Plaintiff, :

-against- :

JAISRIKAR 2, INC. :

Defendant. :

08 Civ. 3970 (AKH) (HBP)

SCHEDULING  
ORDER

-----X  
  
PITMAN, United States Magistrate Judge:

This matter having been referred to me to conduct an inquest and to report and recommend concerning plaintiff's damages, it is hereby ORDERED that:

1. Plaintiff shall submit proposed findings of fact and conclusions of law concerning damages no later than September 11, 2008. All factual assertions made by plaintiff are to be supported by either affidavit or other material of evidentiary weight.

2. Defendant shall submit its response to Plaintiff's submission, if any, no later than October 10, 2008. IF DEFENDANT (1) FAILS TO RESPOND TO PLAINTIFF'S SUBMISSIONS, OR (2) FAILS TO CONTACT MY CHAMBERS BY OCTOBER 10, 2008 AND REQUEST AN IN-COURT HEARING, IT IS MY INTENTION TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES ON THE BASIS OF PLAINTIFF'S WRITTEN

SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See  
Transatlantic Marine Claims Agency, Inc. v. Ace  
Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997);  
Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40  
(2d Cir. 1989) ("[I]t [is] not necessary for the  
District Court to hold a hearing, as long as it ensured  
that there was a basis for the damages specified in a  
default judgment.")

Dated: New York, New York  
July 11, 2008

SO ORDERED

  
HENRY PITMAN  
United States Magistrate Judge

Copies Mailed To:

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